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9

10 UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION
11

12 ENTROPIC COMMUNICATIONS,
13 LLC,

14 Plaintiff,

15 v.

16 COX COMMUNICATIONS, INC.;
17 COXCOM, LLC; AND COX
COMMUNICATIONS
CALIFORNIA, LLC,

18 Defendants,
19
20

21 COX COMMUNICATIONS, INC.;
22 COXCOM, LLC; AND COX
COMMUNICATIONS
23 CALIFORNIA, LLC,

24 Counter-Claimants,
25

v.

26 ENTROPIC COMMUNICATIONS,
27 LLC; MAXLINEAR, INC.; AND
MAXLINEAR COMMUNICATIONS
LLC,

28 Counter-Defendants.

Case No. 2-23-cv-01049-JWH-KES
(Lead Case)

**COUNTER-DEFENDANTS
MAXLINEAR, INC. AND
MAXLINEAR
COMMUNICATIONS LLC'S
APPLICATION FOR LEAVE TO
FILE UNDER SEAL MOTION TO
DISMISS AMENDED
COUNTERCLAIMS BY COX
COMMUNICATIONS, INC.,
COXCOM, LLC, AND COX
COMMUNICATIONS
CALIFORNIA, LLC**

Judge: Hon. John W. Holcomb

Hearing:

Date: March 29, 2024
Time: 9:00 a.m.
Place: Courtroom 9D, Santa Ana

Pursuant to Local Rule 79-5.2.2(a) governing documents to be filed under seal, Counter-Defendants MaxLinear, Inc. and MaxLinear Communications LLC (collectively, “MaxLinear”) hereby submit their Application for Leave to File Under Seal Motion to Dismiss Amended Counterclaims by Cox Communications, Inc., CoxCom, LLC, and Cox Communications California, LLC (collectively, “Cox”).

MaxLinear seeks leave to file under seal highlighted portions of MaxLinear’s Motion to Dismiss that quote from or reference (1) Exhibit A to Cox’s Amended Answer and Counterclaims (ECF No. 87-1), which includes confidential information regarding a license agreement for Data Over Cable Service Interface Specifications (“DOCSIS”) executed by MaxLinear, Inc., and (2) a Patent Purchase Agreement executed by MaxLinear and Plaintiff Entropic Communications, LLC that has been designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” attached as Ex. 1 to MaxLinear’s concurrently filed Request for Judicial Notice.

Document to be sealed	Portions to be sealed (page:line(s))
Portions of MaxLinear’s Motion to Dismiss that quote from or reference Exhibit A to Cox’s Amended Answer and Counterclaims (ECF No. 87-1) and the Patent Purchase Agreement executed by MaxLinear and Entropic Communications, LLC attached as Ex. 1 to MaxLinear’s concurrently filed Request for Judicial Notice.	14:16-18; 14:26-15:3; 19:20-24; 19:26-20:1; 20:9-10; 20:27-21:3; 21:24-27; 22:4-6; 23:4-6; 23:10-11; 23:23-24; 24:11-14; 24:17-18; 24:25-27; 25:1-2; 25:5-6; 25:7-8

1 Pursuant to Local Rule 79-5.2.2(a), MaxLinear applies to file under seal the
2 document listed above. Under Rule 79-5.2.2(a), a party may seek leave to file a
3 document under seal so long as the Application describes the nature of the
4 information that should be closed to public inspection and is accompanied by: (1) a
5 declaration establishing good cause why the strong presumption of public access in
6 civil cases should be overcome and informing the Court whether anyone opposes
7 the Application; (2) a proposed order; (3) a redacted version of the relevant
8 documents; and (4) an unredacted version of the relevant documents. MaxLinear
9 has complied with these requirements. The information that MaxLinear seeks to
10 seal is contained within (1) a confidential agreement between MaxLinear, Inc. and a
11 third-party entity; and (2) a confidential agreement between MaxLinear, Inc. and
12 Entropic Communications, LLC. The public does not have an interest in accessing
13 this confidential information. Additionally, MaxLinear's request is narrowly
14 tailored to only prevent the public from viewing confidential information. Finally,
15 Entropic does not oppose MaxLinear's under seal filing.

16 Therefore, compelling reasons exist to seal the highlighted portions of the
17 above documents. *See Aya Healthcare Servs., Inc. v. AMN Healthcare, Inc.*,
18 No. 17cv205-MMA (MDD), 2020 WL 1911502, at *5 (S.D. Cal. Apr. 20, 2020)
19 (“The Court agrees that compelling reasons exist to seal references . . . to
20 Defendants’ proprietary business records that detail sensitive financial terms,
21 proprietary business strategies, and confidential negotiations and agreements with
22 third parties.”); *In re Qualcomm Litig.*, No. 3:17-CV-00108-GPC-MDD, 2019 WL
23 1557656, at *3 (S.D. Cal. Apr. 10, 2019) (granting motions to seal “confidential
24 business information of the parties, including trade secrets, proprietary business
25 records, discussions of internal strategy, company dealings, and materials
26 designated as ‘Highly Confidential’”).

1 MaxLinear respectfully requests that this Court order the unredacted
2 document to be filed under seal. Redacted and unredacted versions of MaxLinear's
3 Motion to Dismiss Cox's Amended Counterclaims are filed herewith. This
4 Application is accompanied by a Declaration of Rose S. Lee and a Proposed Order.

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6 Dated: February 6, 2024

MORRISON & FOERSTER LLP

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8 By: /s/ Rose S. Lee
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